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MEMO ENDORSED

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November 8, 2013

BY E-MAIL

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Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

**Re: *Enzo Biochem, Inc., et ano. v. PerkinElmer, Inc., et ano.*
03 Civ. 3817 (RJS)**

Dear Judge Sullivan:

Pursuant to the Memo endorsed by Your Honor on November 4, 2013, in which the parties were directed to submit a proposed joint pre-trial schedule in the case referred to above, attached to this letter is the parties' Joint Proposed Schedule for Damages and Expert Discovery and Pretrial Submissions.

Respectfully yours,

A handwritten signature of Jeffrey R. Mann in black ink.

Jeffrey R. Mann

cc: William McElwain, Esq. (with attachment)(via email)
Omar Khan, Esq. (with attachment)(via email)

Proposed Schedule for Damages and Expert Discovery and Pretrial Submissions

- a. Enzo shall serve a general description of its theories of damages by November 15, 2013. The description need not include numbers but will be in sufficient detail to allow PE to determine what discovery, if any, it needs to respond to Enzo's damages case.
- b. PE shall serve its rebuttal statement to Enzo's description of its theories of damages by November 22, 2013 in the same level of detail.
- c. The parties will exchange informal requests for discovery and meet and confer by November 27 to discuss the content of additional discovery, if any, related to damages.
- d. Any disputes about the additional discovery shall be presented to the Court by December 2.
- e. Any additional documents or interrogatory responses will be provided by the parties by December 18.
- f. Party depositions and any third-party discovery relating to damages shall be completed by January 27, 2014.
- g. All expert disclosures on all issues, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:
 - i. Opening expert reports on issue(s) for which a party bears the burden of proof shall be served no later than January 24, 2014.
 - ii. Rebuttal expert reports shall be served no later than February 14, 2014.
 - iii. Expert depositions shall be completed no later than February 21, 2014.
- h. The joint pre-trial order shall be completed and submitted pursuant to the following deadlines:
 - i. The parties shall exchange proposed pre-trial orders and associated documents (*i.e.* the items specified in Judge Sullivan's Individual Practices, Sections 3(A) and (B)(i), (iv) by February 17, 2014. Initial objections, responses, counter-designations, etc. shall be served by February 24, 2014, and the parties are to meet and confer thereafter to attempt to resolve the objections by February 28, 2014.

- ii. The parties shall submit a joint pre-trial order and the items specified in Judge Sullivan's Individual Practices at Sections 3(B)(i), (iv) by March 4, 2014, including any objections or oppositions specified in Section 3(D)(i), (iii).
- i. Any motions in limine and motions to exclude expert testimony shall be served and filed by March 4, 2014, with oppositions due on March 7, 2014, and replies due on March 11, 2014.
- j. The Court will conduct a pre-trial conference on ~~XXXXX~~ 2014, Friday, March 14 at 10 a.m.
- k. Counsel must meet for at least one hour to discuss settlement not later than February 17, 2014.
- l. Trial and jury selection shall commence on March 18, 2014 at 9:00 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse. The parties have conferred and Enzo's present best estimate of the length of trial is 8 days, whereas PerkinElmer's present best estimate of the length of trial is 4 days.

SO ORDERED

Dated:

11/11/13

RICHARD J. SULLIVAN
U.S.D.J.